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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/766,275 | 01/28/2004 | Michael Bantlin | 600.1297 | 3458 |

23280 7590 08/25/2005

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| EXAMINER | |
|---|---|
| MORRISON, THOMAS A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3653 | |

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/766,275 | BANTLIN ET AL. | |
| | Examiner | Art Unit | |
| | Thomas A. Morrison | 3653 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8,10 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8, 10 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Objections*

1. Claim 5 is objected to because of the following informalities: (1) "controllers" in line 4 should be -- controller --. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the main pile controller" in line 11. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 10-11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,142,463 (Leichnitz et al.). In particular, Leichnitz meets all of the limitations set forth in claims 1-8 and 10-11.

Regarding independent claim 1 of the instant application, Leichnitz et al. discloses a method for synchronizing the motion sequences of at least one main pile (4) and at least one auxiliary pile (near 8) in a feeder or delivery device (2) of a printing material processing machine (1), the method comprising:

moving the main pile (4) using a drive (7) and a main controller (12) associated with the drive (7);

moving the auxiliary pile (near 8) using an additional drive (11) and an auxiliary pile controller (13) associated with the additional drive (11); and

receiving a start signal at the auxiliary pile controller (13) to ***move the auxiliary pile*** (near 8), the start signal being received from the main pile controller or from a further, higher-level machine controller (14), the start signal ***simultaneously initiating a movement of the main pile*** (4). See claim 1 and column 5, lines 10-16 of Leichnitz et al. For example, column 5, at lines 10-16 states that, "an identical switch on time generated by control unit 14 and received by both drive control unit 12 of feeder 2 and drive unit 13 of the auxiliary pile-carrying assembly 3 causes ***auxiliary pile-carrying assembly*** 3 and ***main pile-carrying assembly*** 19 of the feeder 2 to ***move identically***." (emphasis added). In other words, the signal from the higher-level machine controller (14) simultaneously initiates the movement the main pile (4) and the auxiliary pile (near 8) by identically moving the auxiliary pile-carrying assembly and the main pile-carrying assembly. As such, Leichnitz et al. meets the limitations of claim 1 as now amended.

Regarding the dependent claim 2, the moving of the main pile (4) and the moving of the auxiliary pile (8) include moving the main pile (4) and the auxiliary pile (near 8) a

same distance within a same time using the main pile controller (12) and the auxiliary pile controller (13). In particular, column 5, lines 10-16 disclose that the auxiliary pile-carrying assembly 3 and main pile-carrying assembly 19 move identically. As such, the main pile (4) and the auxiliary pile (near 8) move the same distance within the same time, as claimed.

Regarding the dependent claim 3, Leichnitz et al. discloses storing at least one of a last-reached position of the auxiliary pile and a last reached position of the main pile (4) stored in at least one of the main pile controller, the auxiliary pile controller and the further, higher-level machine controller (14). In particular, it appears from Fig. 4 that at least the last-reached position of the main pile (4) can be stored in the higher-lever machine controller (14) when it is received as a signal from the pile height scanner (15).

Regarding the dependent claim 4, column 2, lines 62-67 and column 5, lines 18-41 disclose moving at least one of the auxiliary (near 8) and main piles (4) as a function of the at least one of a last-reached position of the auxiliary pile (near 8) and a last-reached position of the main pile (4).

Regarding the dependent claim 5, column 4, lines 52-61 and Fig. 4 disclose transmitting a travel path of the main pile (4) or a travel path of the auxiliary pile (near 8) as a setpoint value to the main pile controller (12) or the auxiliary pile controller (13), respectively.

Regarding the dependent claim 6, Fig. 1 and column 5, lines 10-16 disclose transmitting the start signal via a communication device (14) between the auxiliary pile controller (13) and the main pile controller (12). The controller (14) is a communication

device interconnected between the auxiliary pile controller (13) and the main pile controller (12). As such, the controller (14) is a communication device between the auxiliary pile controller (13) and the main pile controller (12) as claimed.

Regarding the dependent claim 7, column 5, lines 21-31 disclose compensating for delays occurring during signal transmission via the communication device (14).

Regarding the dependent claim 8, column 2, lines 62-67 disclose measuring disturbances and taking into account the disturbances in the in the control of the drive (7) and additional drive (11).

Regarding the dependent claim 10, the feeder or delivery device (including 1, 2, 7, 11, 12, 13 and 14) is part of a printing press. See Abstract.

Regarding independent claim 11, Fig. 1 shows a feeder (2) or delivery device of a printing material processing machine (1) having synchronized motion sequences of at least one main pile (4) and at least one auxiliary pile (8) comprising:

a drive (7) for moving the main pile (4);

a main pile controller (12) associated with the drive (7);

an additional drive (11) for moving the auxiliary pile (near 8); and

an auxiliary pile controller (13) associated with the additional drive (11), the auxiliary pile controller (13) receiving a start signal to move the auxiliary pile (near 8), the start signal being received from the main pile controller or from a further, higher-level machine controller (14), the start signal simultaneously initiating a movement of the main pile (4). As explained above with regard to the rejection of claim 1, column 5, at lines 10-16 of Leichnitz et al. states that, "an identical switch on time generated by

control unit 14 and received by both drive control unit 12 of feeder 2 and drive unit 13 of the auxiliary pile-carrying assembly 3 causes ***auxiliary pile-carrying assembly*** 3 and ***main pile-carrying assembly*** 19 of the feeder 2 to ***move identically***." (emphasis added). In other words, the signal from the higher-level machine controller (14) simultaneously initiates the movement the main pile (4) and the auxiliary pile (8) by identically moving the auxiliary pile-carrying assembly and the main pile-carrying assembly. As such, Leichnitz et al. meets the limitations of claim 11.

***Response to Amendment***

4. Applicant's arguments filed January 18, 2005 have been fully considered but they are not persuasive. Applicant basically argues that Leichnitz does not disclose a start signal simultaneously initiating a movement of the main pile and the auxiliary pile. In support of this argument, applicant argues about a control signal with a time lag in switching drive units 12 and 13.

However, it is noted that column 5, lines 10-16 of Leichnitz et al. specifically state that, "According to a preferred embodiment of the invention, provision is made for parameters to be assigned to drive unit 13, such that an identical switch on time generated by control unit 14 and received by both drive control unit 12 of feeder 2 and drive unit 13 of the auxiliary pile-carrying assembly 3 causes ***auxiliary pile-carrying assembly*** 3 and ***main pile-carrying assembly*** 19 of the feeder 2 to ***move identically***." (emphasis added). The dictionary defines the word "identical" as "1. Being the same". See Webster's II New Riverside University Dictionary at page 607. Accordingly, the movement of the auxiliary pile-carrying assembly 3 (i.e., the movement of the auxiliary

pile near 8) and the movement of the main pile-carrying assembly 19 (i.e., the movement of the main pile 4) of Leichnitz et al. can be considered to be the same. In order to have identical (i.e., the same) movement, the signal of Leichnitz et al. simultaneously initiates the movement the main pile (4) and the auxiliary pile (near 8).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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